

Hon. Tana Lin

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DENNIS E. DAVIS, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

SYMETRA LIFE INSURANCE COMPANY,

Defendant.

Case No. 2:21-CV-00533-TL

**STIPULATION AND JOINT MOTION
TO MODIFY SCHEDULING ORDER
AND PROPOSED ORDER**

Noted on Motion Calendar: 7/28/2023

1 Pursuant to Local Civil Rules 16(b)(6) and this Court's Standing Order for All Civil Cases,
2 Section II(G), Plaintiff Dennis Davis and Defendant Symetra Life Insurance Company jointly and
3 respectfully move this Court to modify the current scheduling orders at ECF No. 52.

4 Good cause exists for the modification and the Parties respectively request the Court
5 consider the following modifications to the case schedule. The Parties are diligently pursuing
6 discovery and completed rounds of written discovery and document production. Symetra has also
7 taken the Plaintiff's deposition and produced requested policy data. The Parties are proceeding
8 with ESI review and production, which, due to the nature of the case, is voluminous. The case
9 seeks information and documents from 1982 to the present. Symetra also encountered unexpected
10 technical difficulties with the ESI that has prolonged its processing. Symetra has kept the Plaintiff
11 informed about its ESI progress, and the Parties have been working cooperatively to push through
12 this phase of this discovery. Symetra anticipated completing production of the ESI by July 28,
13 2023, and has produced about 14,000 pages of ESI documents to date, but still has significant
14 additional materials to produce. Symetra anticipates completing its ESI production next week, and
15 can commit to finishing its ESI production no later than August 11, 2023. Additionally, Symetra
16 is currently drafting a supplement to its interrogatory responses following an extensive meet-and-
17 confer process with Plaintiff, but due to various scheduling issues has not yet been able to finalize
18 and serve the verified supplemental responses. Symetra hopes to provide it sooner, but will serve
19 the verified supplemental responses no later than August 18, 2023. Due to the unexpected delay
20 described above, and in anticipation of Symetra's further ESI production and discovery
21 supplementation, the Parties have conferred and agreed that an extension of the current case
22 schedule is necessary so that the Parties can review the ESI productions and determine whether
23 any additional discovery or discovery disputes remain regarding the ESI, review the supplemental
24 interrogatory responses and determine whether any further disputes regarding the responses
25 remain, and conduct corporate representative depositions prior to the deadline for completion of
26 class discovery.

To accommodate the ongoing and upcoming class discovery, the Parties met and conferred and jointly propose modifying the current case schedule to extend the current deadlines by six weeks as follows:

Event	Current Deadline (ECF 52)	Proposed Deadline
Symetra to complete production of agreed-upon ESI documents no later than	N/A	August 11, 2023
Symetra to serve verified supplemental interrogatory responses no later than	N/A	August 18, 2023
All motions related to class discovery must be filed by the date	July 28, 2023	September 8, 2023
All motions related to class discovery must be noted on the motion calendar no later than the Friday before discovery closes pursuant to LCR 7(d) or LCR 37(a)(2)	August 25, 2023	October 6, 2023
Class Discovery completed by this date	August 31, 2023	October 12, 2023
Deadline to file Plaintiff's motion for class certifications and class expert disclosure	October 10, 2023	November 21, 2023
Deadline for amended pleadings	October 10, 2023	November 21, 2023
Reports from Plaintiff's expert witnesses under FCP 26(a)(2) for use in support of class certification	October 10, 2023	November 21, 2023
Deadline to file Defendant's opposition to Plaintiff's motion for class certification and any objections to Plaintiff's experts	December 13, 2023	January 24, 2024
Reports from Defendant's expert witnesses under FRCP 26(a)(2)	December 13, 2023	January 24, 2024
Deadline to file Plaintiff's Reply brief in support of class certification motion and any objection to Defendant's experts	January 26, 2024	March 8, 2024
Rebuttal reports from Plaintiff's expert witnesses under FRCP 26(a)(2) for use in support of class certification	January 26, 2024	March 8, 2024

Event	Current Deadline (ECF 52)	Proposed Deadline
Settlement Conference, if mediation has been requested by the parties per LCR 39.1, held no later than	March 15, 2024	April 26, 2024
Mediation per LCR 39.1, if requested by the parties, held no later than	April 19, 2024	May 31, 2024

It is the expectation of the Parties that the proposed schedule will narrow the issues remaining, if any, for trial. Accordingly, the Parties respectfully ask that the Court enter the above stipulated schedule.

Dated this 28th day of July, 2023

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Attorney for Defendant SYMETRA
LIFE INSURANCE COMPANY

~~PROPOSED~~ ORDER

Pursuant to the parties' joint motion to modify scheduling order, the parties' joint proposed schedule is adopted, as set forth below.

Event	Deadline
Symetra to complete production of agreed-upon ESI documents no later than	August 11, 2023
Symetra to serve verified supplemental interrogatory responses no later than	August 18, 2023
All motions related to class discovery must be filed by the date	September 8, 2023
All motions related to class discovery must be noted on the motion calendar no later than the Friday before discovery closes pursuant to LCR 7(d) or LCR 37(a)(2)	October 6, 2023
Class Discovery completed by this date	October 12, 2023
Deadline to file Plaintiff's motion for class certifications and class expert disclosure	November 21, 2023
Deadline for amended pleadings	November 21, 2023
Reports from Plaintiff's expert witnesses under FCP 26(a)(2) for use in support of class certification	November 21, 2023
Deadline to file Defendant's opposition to Plaintiff's motion for class certification and any objections to Plaintiff's experts	January 24, 2024
Reports from Defendant's expert witnesses under FRCP 26(a)(2)	January 24, 2024
Deadline to file Plaintiff's Reply brief in support of class certification motion and any objection to Defendant's experts	March 8, 2024
Rebuttal reports from Plaintiff's expert witnesses under FRCP 26(a)(2) for use in support of class certification	March 8, 2024
Settlement Conference, if mediation has been requested by the parties per LCR 39.1, held no later than	April 26, 2024
Mediation per LCR 39.1, if requested by the parties, held no later than	May 31, 2024

All other case deadlines, including expert discovery cutoff, last day to file dispositive motion, and trial date will be determined after the Court's issuance of its decision on plaintiff's motion for class certification. Notwithstanding the foregoing, parties may file any dispositive

1 motion early. The Parties are ordered to meet and confer within 21 days of the Court's class
2 certification ruling and submit a joint proposed schedule for the Court's consideration.

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4 IT IS SO ORDERED.

5 Dated this 31st day of July, 2023.

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7 _____
8 Tana Lin
9 United States District Judge
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